

HOUSE BILL 9079

By Garrett

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 8; Title 11; Title 13; Title 49; Title 50 and Title 68, relative to uniform standards for persons subject to COVID-19 vaccination requirements.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-5-117, is amended by redesignating subsection (b) as subsection (a), redesignating subsection (a) as subsection (b), and by adding the following as a new, appropriately designated subdivision in subsection (a):

() "Employer" means the state of Tennessee, a political or civil subdivision of this state, or a person or entity that employs one (1) or more persons within this state, and includes a person acting as an agent of an employer, directly or indirectly;

() "Governmental entity" means the state of Tennessee, including an official, entity, department, or agency of this state; or a municipality, city, incorporated town, county, district, or authority, or any portion or combination of two (2) or more thereof;

() "Healthcare provider" means a healthcare practitioner, person, or facility licensed, authorized, certified, registered, or regulated under title 33, title 63, title 68, a federal law or order, or an executive order of the governor, including, but not limited to, an employee, agent, or contractor of such a practitioner, person, or facility, and a resident, intern, student, fellow, or volunteer of an accredited medical school or of the school's affiliated teaching or training hospitals or programs in the state of Tennessee;

SECTION 2. Tennessee Code Annotated, Section 68-5-117, is amended by adding the following as a new subsection:

(c)

(1) Except as provided in subdivision (c)(2):

(A) A governmental entity or a private business shall not refuse, withhold from, or deny a person state or local services, goods, facilities, advantages, privileges, licensing, educational opportunities, healthcare access, or employment opportunities based on:

(i) The person's COVID-19 vaccination status; or

(ii) Whether the person possesses proof of vaccination;

(B) An employer shall not refuse or deny employment to a person, terminate a person from employment, or otherwise discriminate against a person in compensation or in the terms, conditions, or privileges of the person's employment based on:

(i) The person's COVID-19 vaccination status; or

(ii) Whether the person possesses proof of vaccination; or

(C) A governmental entity or private business shall not exclude, limit, segregate, refuse to serve, or otherwise discriminate against a person at a place open to the public based on:

(i) The person's COVID-19 vaccination status; or

(ii) Whether the person possesses proof of vaccination.

(2) This section does not apply to a private primary or secondary school; a private postsecondary institution; a facility operating a child care program, as defined in § 49-1-1102; a day care center, as defined in § 39-17-1603; an adult day care center, as defined in § 71-2-401; a nursing home, as defined in § 2-6-601; or other assisted living facility in this state.

(3) A governmental entity, private business, employer, or person does not violate this subsection (c) if they only recommend that a person or employee receive a COVID-19 vaccination.

(4) A healthcare provider does not violate this subsection (c) if the healthcare provider:

(A) Asks an employee to volunteer the employee's COVID-19 vaccination status for the purpose of determining whether the healthcare provider should implement reasonable accommodation measures to protect the health and safety of employees, patients, visitors, and other persons from COVID-19. A healthcare provider may presume that an employee is not vaccinated against, or immune to, COVID-19 if the employee declines to provide the employee's COVID-19 vaccination status to the healthcare provider for purposes of this subdivision (c)(4)(A); and

(B) Makes reasonable accommodations for employees, patients, visitors, and other persons who are not vaccinated against or immune to COVID-19 to protect the health and safety of employees, patients, visitors, and other persons from COVID-19.

(5) A governmental entity, a private business, or an employer shall not require or mandate that an employee or person receive a COVID-19 vaccination that has not received the United States food and drug administration's approval.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.